

## **MINUTES OF PLANNING AND ZONING COMMISSION**

7:00pm, Wednesday, July 21, 2004

Present were Richard Grant – Chair, Marsha Jones, Roger Shanks, Doug Hill, Frank Olah, and Eva Spear. Also present was Tim McCumber, Zoning Administrator, Mike Slavney, Town Planner, and Dana Jensen, Assistant Planner.

Grant called the meeting to order. The chair asked if the meeting was properly noticed, which it had been. The minutes of June 16, 2004 meeting were considered. Motion to approve by Jones, seconded by Shanks with corrections. Motion approved.

The first order of business was to discuss and consider a Certified Survey Map (CSM) for Devil's Head Resort as it relates to Planned Area Development #11-03 amendment. James Skowronski of Ramaker & Associates described a CSM as it relates to the segregation of the proposed condominium development. The CSM is necessary to convert the holdings from the existing owner to the new corporation Devil's Head Area Ski Leasing is establishing to sell and manage the proposed development. The end result is a stand alone parcel that will have an easement for the purpose of developing the property which has preliminary development approval from this commission. Shanks thanked Skowronski for the clarification as to its intent. Slavney noted that normally, a new lot would require access to the road, however, this is unique. Slavney noted a motion should be made to issue a waiver of the requirement that all new lots abut a public street. Slavney noted that we can grant such a waiver per state statute. Grant asked that Slavney draft the language of that waiver. Slavney noted the Town of Honey Creek should be replaced with the Town of Merrimac on page 4 of 4 of the survey. Grant inquired if we could pass the PAD rights to the new corporate owner and Slavney noted that the property rights given in a PAD goes with the property. Olah inquired about the easement to access the property inquiring as to its location. It follows the main driveway from Bluff Rd. and proceeds into the development. The easement is 30 feet wide. Grant asked if the road would be paved or gravel and Skowronski noted it would be paved and the surface would be 24 feet wide and that the engineering standard would allow for the travel of fire equipment. Shanks made the motion to recommend the CSM be approved and the Town Board grant a waiver on the requirement that any new lot abut a public street because of the easement providing access to both Yum Yum Rd. and Bluff Rd. Second by Hill. Motion passed.

The next item was to discuss and consider several SmartGrowth Comprehensive Planning items. Grant noted that the Village will be hosting the governmental portion of their plan on August 4, but invitations had not been sent out. McCumber is to confirm the date with Shelley Benish at the Village Hall. Slavney felt we could hold our portion of the meeting as well. Jensen opened with a progress report of where we are in the process noting the completion of the first 6 steps. At this point they are beginning to draft the new plan taking into consideration all of the input from the various entities to date. The Intergovernmental meeting was slated for September, but could be held in November if we are holding it in conjunction with the Village. Slavney noted that after tonight, we should have 95% of the data complete. The remaining 5% is a final revision of the plan based on our review. Slavney thought that for the intergovernmental meeting should include the National Parks because of the Ice Age Trail. The Village, Sauk

County, DOT, and DNR, and the School District. Grant wants to invite DOT rail. Alliant, Devil's Lake, and several other groups were included by the commission. It was decided with our list of attendees that we should have our own meeting separate from the Village and set the September 15 zoning meeting for the Intergovernmental meeting. Slavney presented a map showing the existing land use in the town. Slavney noted the intent based on discussions they do not intend to drastically alter the existing plan as we have committed to it and have not deviated from the plan. Slavney lead discussion on alternative development scenarios with a discussion guide. Slavney noted that some of the options may seem extreme based on our past experience, but he felt it was important for the commission to know these scenarios exist. The first discussion segment that noted the 1993 plan recommended new residential development be focused between Hwy. 78 and Lake Wisconsin. The commission generally agreed with that statement. The 2<sup>nd</sup> discussion segment notes the 1993 plans for conservation areas and the commission liked the existing plan. The 3<sup>rd</sup> segment was regarding commercial development from the 1993 plan. Hill questioned the need for commercial development. Grant noted that the existing commercial has come in through the PAD and the process has served the town well. Slavney recommended that we do not show new commercial locations, but we could have a sentence in the text noting persons have the ability to come in through the PAD process. That was received favorably. The discussion led by Slavney regarding recreational corridors including connection the BAAP pump house to the main BAAP property and the Ice Age Trail to the Ferry. Agreement to potential language without rezoning those areas was acceptable. Next the discussion focused on buffer areas between Hwy. 78, Lake Wisconsin, steep slopes, wooded areas and drainage ways. Slavney offered some notes related to his experience in various communities noting that steep slopes, wooded areas, and drainage ways are generally protected and encouraged the commission to consider these types of protections. Grant noted that enforcement may be difficult as the town does not have enforcement communities. He noted that Shoreland Protection Ordinance Section 8 of the Sauk County code has protections that Sauk County is currently responsible for enforcing. Grant felt the code was adequate for those needs. Grant felt if it is already being done, then we may not need to adopt our own language. Olah noted some densely wooded areas that are probably not protected and would like see that addressed. Grant was interested in knowing if another agency had something like that. Slavney noted we could specify some language to address this concern related to selective cutting and a conditional use permit for clear cutting. Grant noted some specific language he would like to specify a percentage and Slavney recommended 30%. Grant recommended a forester for any amounts over 10%. Slavney noted invasive species could be exempt and we could allow for woodland maintenance. Slavney noted he would address these concerns and present some appropriate language. Hill noted that we have tackled all but the highway corridors and wanted to discuss this. Slavney presented the development scenarios the commission similar to those discussed at the May meeting to address the consideration of providing buffers for the highway corridors. These show some potential scenarios for protecting the highway corridor and the lake front corridor. Grant noted the setback of a highway ROW is 55 feet. Slavney noted they cannot construct in that area, but they can create a yard. Grant noted that while restrictions can be viewed as just that, however, he gets the impression that most developers like to have guidance and do not object to the restrictions that might help us keep the rural character of the community. Hill noted that the resource protection scenario was nice but should have a greater setback from the highway corridor. Shanks noted that the citizen survey showed that the community wants to

limit development and felt the resource scenario. After some discussion relative to property and construction values, Slavney noted that he believes he can prepare a document that addresses the concerns of the community. Slavney noted the wood, slopes, and drainage ways have no protections federally or otherwise and wanted to know if the town would want to protect them based on our discussion. Grant noted that there are very few developer owned properties and that if the developers want to come in and buy property understanding our plan and ordinance, then they should not have a problem with it. Slavney then proceeded to work on some suggestions for various setbacks. He noted that if there is 100 feet barrier from the ROW, that we should encourage wild growth to create a wooded corridor between the highway and the new development. The discussion was then directed to whether or not 100 feet would be enough. Grant noted these buffer areas should be directed to matter of appearance as to avoid a number of areas lined with conifer trees. Slavney noted that a buffer should have variety versus a green wall of any particular vegetative species and that we could require a landscaping plan for these areas. This would encourage variety and creativity. Slavney noted that Heffron (Water's Edge) adopted generically some of these buffers from the highway we are discussing and there were no rules requiring it. Slavney noted after this discussion that they will present a draft plan for review in a couple months. The next step will be to gather data from the intergovernmental meeting and then invite the public in for input prior to any public hearings. Slavney noted the budget has run dry and they are continuing their work as agreed. The process is probably 85% complete.

McCumber reported that we have issued 33 permits totaling \$3.849 million in value.

Motion to Adjourn by Hill, seconded by Shanks. Motion carried.

Submitted by Tim McCumber, Zoning Administrator, Secretary